

**METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA**

---

**CERTIFICATE OF LEGALLY ESTABLISHED NON-CONFORMING USE  
Submission Requirements**

The Department of Metropolitan Development reviews applications for Certificate of Legally Established Non-conforming Use (LNCU) as a service to property owners. Any use of a particular parcel of land that is not permitted by the current zoning regulations applicable to that parcel is considered a “non-conforming use.” Generally, there are two ways to prove the legality of a non-conforming use: Prove that the non-conforming use existed prior to April 8, 1969, has existed continually since that date with no more than a one-year break, and has not been the site of criminal activity or a public health or safety violation; or prove that the existence of the use or development standards on the property pre-date the zoning ordinance section which prohibited the use or development standards on the property. If either case is proven, an LNCU Certificate may be issued to legally establish the non-conformity.

Prior to submittal, an applicant is encouraged to become familiar with the General Regulations section of the applicable zoning ordinance related to review of non-conforming uses. This section is available in the Current Planning office, Suite 1821 of the City-County Building (317-327-5155).

**REQUIRED SUBMITTAL MATERIAL**

All of the following material is required to be submitted. Applications submitted without the required material will not be reviewed. Questions should be directed to the Planner-on-Call in the Current Planning Office at 317-327-5155.

1. **One completed Application** for Certificate of Legally Established Nonconforming Use, typewritten, signed by the owner of the subject property, or an authorized agent, and notarized.
2. **Legal description or recorded plat map of the property.** Plat maps may be obtained in the Marion County Recorder’s Office, Suite 721 of the City-County Building (317-327-4020). Highlight the property on the plat map.
3. **Detailed site plan,** drawn to scale, noting all buildings and improvements on the property. A current survey may be used, or see the accompanying “Site Plan” page for details on how to prepare a site plan.
4. **Real Estate Affidavit,** a form provided along with the Application for Certificate of Legally Establish Non-conforming Use, completed by someone other than the applicant or owner of the property.
5. **Zoning base map.** Copies of the current zoning base map and previous base maps are available in Suite 1821 of the City-County Building. Please highlight or circle the property that is to be considered for an LNCU certificate.
6. **Polk Directory pages and/or Haines Directory pages for every year from 1968 to the present.** Make copies of Polk Directory pages and/or Haines Directory pages that show the address and name of the establishment and/or tenants, and highlight or underline the information. Make sure that the year of the directory appears on the page, and that a page is copied for every year for the address under consideration. The Indiana State Library, 140 North Senate Avenue (317-232-3678), has a complete set of the directories. In limited cases (for example, when the use sought to be certified existed before the adoption of zoning in Indianapolis in 1922), this information may be waived.

7. **Township Assessor property cards (also known as “Buff Cards”).** This information may be obtained at the Assessor’s Office for the township in which the parcel is located. Some of the Assessors have cards from assessments from previous years. Submit cards for all years available.

Center Township Assessor	1360 City-County Bldg.	317-327-4698
Decatur Township Assessor	5410 S. High School Rd., Suite 101	317-856-2230
Franklin Township Assessor	5319 S. Emerson Ave., Suite D	317-327-4191
Lawrence Township Assessor	9001 E. 59 <sup>th</sup> St., Suite 302	317-547-8625
Perry Township Assessor	4925 S. Shelby St., Suite 400	317-788-4833
Pike Township Assessor	5665 Lafayette Rd., Suite A	317-327-7453
Warren Township Assessor	501 N. Post Rd., Suite B	317-898-5000
Washington Township Assessor	2188 E. 54 <sup>th</sup> St.	317-327-4819
Wayne Township Assessor	351 N. Transfer Dr.	317-273-4131

8. **Non-refundable filing fee.** Checks must be made payable to the City Controller.

\$75 for single- and two-family use and/or standards

\$250 for all other applications

## **SUGGESTED SUPPLEMENTAL MATERIAL**

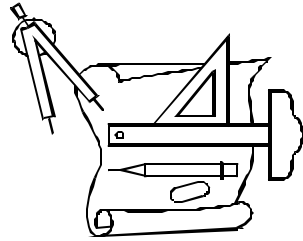
The following sources may yield important information about land use history and should be researched. Submitting only the minimum documentation required above may not be enough to substantiate the non-conforming status. It is the responsibility of the applicant to provide sufficient evidence; therefore, it is strongly urged that thorough and exhaustive research be conducted.

- **Variance/Rezoning petitions.** This information may be obtained in Suite 1821 of the City-County Building. Helpful clues may be obtained by checking zoning petitions for adjacent properties.
- **Improvement Location Permits, building permits, sign permits.** This information may be obtained at the Department of Metropolitan Development’s Division of Compliance at 604 North Sherman Drive (317-327-8700).
- **Indianapolis Historic Preservation Commission documents.** For those properties located within a locally designated Historic Preservation District within Marion County, the records and collections of the Commission, Suite 1801 of the City-County Building (317-327-4406) may provide useful historical information regarding the use of the site or its improvements.
- **Recorded instruments or documents.** Recorded documents are located in the Office of the Marion County Recorder, Suite 721 of the City-County Building (317-327-4020). Include any documents that relate to the history of the use of the property, such as contracts and liens.
- **Sanborn Fire Insurance Maps.** The Sanborn maps are available only for properties located within the original city limits of Indianapolis. These maps give detailed information about lots and land use. The 1956 Sanborn maps are available in Suite 1821 of the City-County Building. Sanborn maps from 1956, and from prior years, are also located in the Microfilm Archives Division located in the sub-basement of the City-County Building, Suite SB31 (317-327-4962). The Marion County Central Library, 202 North Alabama Street (317-269-1700) has copies of the 1915 Sanborn maps.
- **Floor or building plans** (original/as-built, historic, current) with verifiable date.

- **Licenses (Liquor, Merchant, etc.)** This information is found in the Office of the City Controller, Suite 2222 of the City-County Building (317-327-4310). Include any documents that relate to transactions that have occurred on, or in regard to, the affected property at any time since the use began.
- **Business records, rent receipts, financial records, bills (utility, construction, etc.), and tax statements.** This information may give insight as to when a non-conforming use began and may be available from utility companies, current or former tenants, or creditors. The financial amounts may be blackened out for privacy, if you wish.
- **Affidavits.** Written affidavits from neighbors, present or past property owners or tenants, or anyone who may have knowledge of the non-conforming use, are used to supplement primary evidence. These affidavits must be notarized, legible, and include the telephone number and address of the affiant. You may utilize the Real Estate Affidavit accompanying the application, or create your own affidavit. In either case, the affidavit must be notarized.
- **Photographic evidence.** This may include newspapers, periodicals, publications, aerial photographs, or other image documentation. Photographs have limited value unless a verifiable date is included. Contact the Indiana Historical Society, 450 West Ohio Street (317-232-1882), for historic aerial photographs.

Tips on how to find,  
develop or create a

# Site Plan



## What is a Site Plan?

it is a bird's-eye view of the property and what is on it or proposed to be on it.

Sometimes, a site plan is called a plot plan.

While a site plan drawn by an architect, engineer or surveyor is not required, the information must be accurate.

Much of the necessary information needed to draw a site plan can be gleaned

from a mortgage survey.

Any original plat documents should also be consulted. Plat documents can be found at the Recorder's Office (7<sup>th</sup> floor City-County Building) and sometimes copies of these documents can be found at the Township Assessor's office. ■

Helpful information can be found at the City of Indianapolis' website:  
[www.indygov.org](http://www.indygov.org)

Economic Development Portal & the Indy Site Finder:  
<http://lmaps.indygov.org/ed/>

Mapping tools:  
[www.indygov.org/gis](http://www.indygov.org/gis)

City-County Code:  
[www.municode.com](http://www.municode.com)

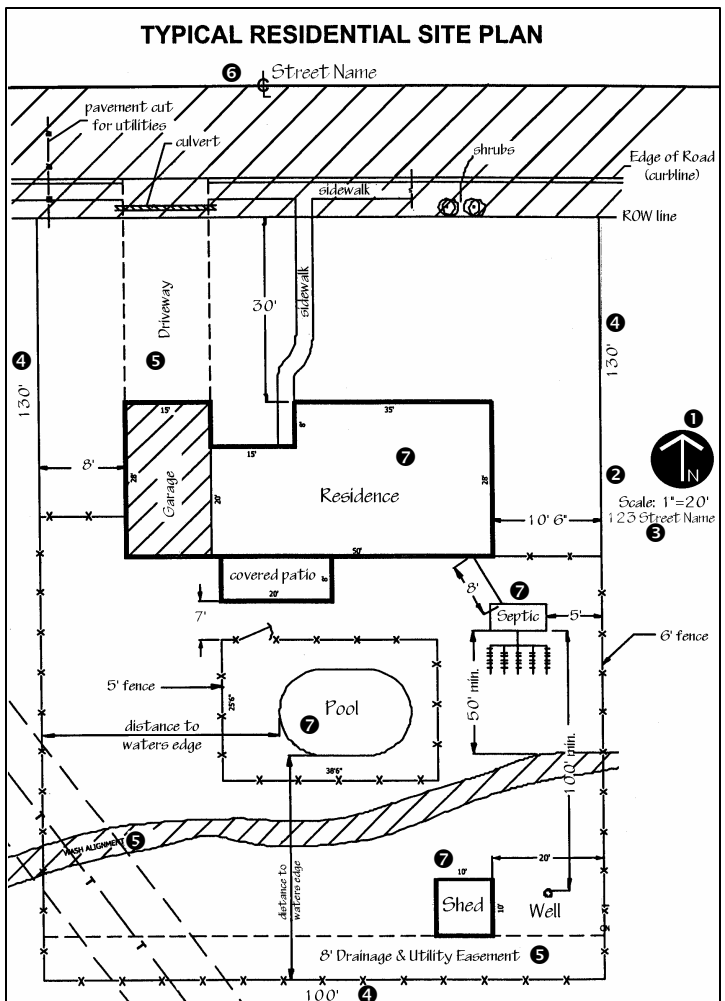
Zoning Information:  
[www.indygov.org/cp](http://www.indygov.org/cp)

A site plan is a scaled drawing illustrating the actual measurements of a parcel of land, the size and location of any existing or proposed structures, the location of the parcel in relation to abutting streets, and other such information. In simpler terms,

## Basic Elements of a Site Plan

There are basic elements to every site plan:

- 1 North arrow,
  - 2 Scale to which the plan is drawn,
  - 3 Address of the property,
  - 4 Boundaries of the parcel of land with dimensions,
  - 5 Location of any easements, water features, or drives.
  - 6 Centerline of the adjoining streets,
  - 7 Outline of all structures, labeled with dimensions and with the distance to the nearest boundary. Examples include: septic system, fences, pools, wells, decks, driveways, sidewalks, sheds, parking areas, and utility locations. Indicate existing or proposed.
- Frequently, landscaping and trees are included on the site plan. If they are not included, a separate landscape plan may be necessary. ■



Department of  
Metropolitan  
Development  
Division of Planning  
Current Planning Section

200 East Washington St.  
Suite 1821  
Indianapolis, IN 46204  
phone 327-5155  
fax 327-7883  
web [www.indygov.org/cp](http://www.indygov.org/cp)